

April 5 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Form 1

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. DA 10-0171

(To be assigned by the Clerk of the Supreme Court)

Attorney for Ean Berg
 Address PO Box 470210 Winston MT 59647
 Phone (406) 227-0948
 Fax (406) 227-1241
 E-mail EanBerg@yahoo.com
Ean R Berg
 Appellant,

FILED

APR 05 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

NOTICE OF APPEAL

v.

Erin C McGuinness,
 Appellee.

NOTICE is given that Ean Berg, the Appellant above-named and who is the Petitioner (plaintiff/petitioner/or other designation) in that cause of action filed in the First Judicial District in and for the County of Lewis & Clark, as Cause No. BDR-2008-478, hereby appeals to the Supreme Court of the State of Montana from the final judgment or order entered in such action on the 26 day of October, 2010.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal X is/is not ___ subject to the mediation process required by M. R. App. P. 7. If subject to mediation, the money judgment being sought ___ is/is not X less than \$5,000.
2. That this appeal ___ is/is not X an appeal from an order certified as final under M. R. Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached hereto as Exhibit "A."
3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.
4. That all available transcripts of the proceedings in this cause X have been/have not been ___ ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.
5. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

Dated this 5 day of April, 2010.

Attorney for Ean Berg
 CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate

copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

(list name and address of the Clerk of the District Court and each attorney or party served).

Dated this 5 day of April, 2010.

Robert T. Cummins

Name

1 North Last Chance Gulch, Suite 5 Helena MT

Address

Title

NANCY SWEENEY
Clerk of District Court

EAN BERG
P.O. BOX 470210
WINSTON MT 59647
(406) 227-0948

Petitioner

FILED

APR 05 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS & CLARK COUNTY

IN RE THE MARRIAGE OF)

EAN K. BERG,

Petitioner,

and

ERIN C. MCGUINNESS,

Respondent.

DA 10-0171

Cause No. BDR-2008-478

REQUEST FOR TRANSCRIPT

Comes now, EAN K. BERG, Petitioner, and here by requests a copy of partial transcript of the final hearing on the matters in the above-entitled Case. Petitioner is only appealing the portion of the decree addressing division of marital assets and liabilities, and there fore only requests that portion of the transcript.


DATED April 5, 2010.


EAN BERG
Petitioner

CERTIFICATE OF SERVICE

This is to certify that the foregoing was duly served by mail upon opposing parties of record at their address or addresses on this 5TH day of April, 2010 as follows:

Robert T. Cummins
1 North Last Chance Gulch, Suite 5
Helena, MT 59601


E. J. BERG

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